

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Benjamin OSHLACK et al.
Serial No.:	10/701,041
Art Unit:	1616
Filed:	November 4, 2003
For:	TAMPER-RESISTANT ORAL OPIOID AGONIST FORMULATIONS
Examiner:	James Henry ALSTRUM-ACEVEDO
Docket No.:	200.1133CON2

Commissioner for Patents
P.O. Box 1450
Alexandria, VA, 22313-1450

April 23, 2009

SUBMISSION OF TERMINAL DISCLAIMERS

Sir:

Applicants hereby resubmit four (4) terminal disclaimers filed on April 8, 2009, now accompanied by STATEMENT UNDER 37 CFR 3.73(b).

Applicants respectfully reiterate that filing of these terminal disclaimers shall not be construed as an admission of (i) the propriety of the rejections, or (ii) that the present claims are not patentably distinct from the claims of U.S. Patent No. 6,696,088 or copending Application Serial Nos.: 10/689,866; 10/700,893; 10/700,906. *See, e.g., MPEP, section 804.02(II)* (“[t]he filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). The court indicated that the “filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection”).

The fees for filing these terminal disclaimers were submitted on April 8, 2009. In the event any additional fees are due or an overpayment has been made in connection

with the filing of these terminal disclaimers, the Commissioner is hereby authorized to charge said fee or credit said overpayment to our Deposit Account No. 50-0552.

Respectfully submitted,
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By:


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